

**ASSEMBLY BILL**

**No. 2609**

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**Introduced by Assembly Member Anderson**

February 19, 2010

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An act to amend Sections 12071 and 12807 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, as introduced, Anderson. Firearms: handgun safety certificate: exemptions.

Existing law requires, with certain exceptions, that a person obtain a handgun safety certificate before purchasing or receiving a handgun. Existing law exempts, among others, honorably retired members of the United States Armed Forces, National Guard, or Air National Guard, from this requirement.

This bill would exempt honorably discharged members of the United States Armed Forces, National Guard, or Air National Guard, instead of retired members. This bill would also require a person licensed to sell firearms to provide every handgun purchaser who is exempt from possessing a handgun safety certificate with a copy of the instruction manual on handgun safety published by the Department of Justice.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12071 of the Penal Code, as amended
- 2 by Chapter 335 of the Statutes of 2009, is amended to read:

1 12071. (a) (1) As used in this chapter, the term “licensee,”  
2 “person licensed pursuant to Section 12071,” or “dealer” means a  
3 person who has all of the following:

4 (A) A valid federal firearms license.

5 (B) Any regulatory or business license, or licenses, required by  
6 local government.

7 (C) A valid seller’s permit issued by the State Board of  
8 Equalization.

9 (D) A certificate of eligibility issued by the Department of  
10 Justice pursuant to paragraph (4).

11 (E) A license issued in the format prescribed by paragraph (6).

12 (F) Is among those recorded in the centralized list specified in  
13 subdivision (e).

14 (2) The duly constituted licensing authority of a city, county,  
15 or a city and county shall accept applications for, and may grant  
16 licenses permitting, licensees to sell firearms at retail within the  
17 city, county, or city and county. The duly constituted licensing  
18 authority shall inform applicants who are denied licenses of the  
19 reasons for the denial in writing.

20 (3) No license shall be granted to any applicant who fails to  
21 provide a copy of his or her valid federal firearms license, valid  
22 seller’s permit issued by the State Board of Equalization, and the  
23 certificate of eligibility described in paragraph (4).

24 (4) A person may request a certificate of eligibility from the  
25 Department of Justice. The Department of Justice shall examine  
26 its records and records available to the department in the National  
27 Instant Criminal Background Check System in order to determine  
28 if the applicant is prohibited by state or federal law from  
29 possessing, receiving, owning, or purchasing a firearm and issue  
30 a certificate to an applicant if the department’s records indicate  
31 that the applicant is not a person who is prohibited by state or  
32 federal law from possessing firearms.

33 (5) The department shall adopt regulations to administer the  
34 certificate of eligibility program and shall recover the full costs of  
35 administering the program by imposing fees assessed to applicants  
36 who apply for those certificates.

37 (6) A license granted by the duly constituted licensing authority  
38 of any city, county, or city and county, shall be valid for not more  
39 than one year from the date of issuance and shall be in one of the  
40 following forms:

1 (A) In the form prescribed by the Attorney General.

2 (B) A regulatory or business license that states on its face “Valid  
3 for Retail Sales of Firearms” and is endorsed by the signature of  
4 the issuing authority.

5 (C) A letter from the duly constituted licensing authority having  
6 primary jurisdiction for the applicant’s intended business location  
7 stating that the jurisdiction does not require any form of regulatory  
8 or business license or does not otherwise restrict or regulate the  
9 sale of firearms.

10 (7) Local licensing authorities may assess fees to recover their  
11 full costs of processing applications for licenses.

12 (b) A license is subject to forfeiture for a breach of any of the  
13 following prohibitions and requirements:

14 (1) (A) Except as provided in subparagraphs (B) and (C), the  
15 business shall be conducted only in the buildings designated in the  
16 license.

17 (B) A person licensed pursuant to subdivision (a) may take  
18 possession of firearms and commence preparation of registers for  
19 the sale, delivery, or transfer of firearms at gun shows or events,  
20 as defined in Section 478.100 of Title 27 of the Code of Federal  
21 Regulations, or its successor, if the gun show or event is not  
22 conducted from any motorized or towed vehicle. A person  
23 conducting business pursuant to this subparagraph shall be entitled  
24 to conduct business as authorized herein at any gun show or event  
25 in the state without regard to the jurisdiction within this state that  
26 issued the license pursuant to subdivision (a), provided the person  
27 complies with (i) all applicable laws, including, but not limited to,  
28 the waiting period specified in subparagraph (A) of paragraph (3),  
29 and (ii) all applicable local laws, regulations, and fees, if any.

30 A person conducting business pursuant to this subparagraph  
31 shall publicly display his or her license issued pursuant to  
32 subdivision (a), or a facsimile thereof, at any gun show or event,  
33 as specified in this subparagraph.

34 (C) A person licensed pursuant to subdivision (a) may engage  
35 in the sale and transfer of firearms other than pistols, revolvers, or  
36 other firearms capable of being concealed upon the person, at  
37 events specified in subdivision (g) of Section 12078, subject to  
38 the prohibitions and restrictions contained in that subdivision.

39 A person licensed pursuant to subdivision (a) also may accept  
40 delivery of firearms other than pistols, revolvers, or other firearms

1 capable of being concealed upon the person, outside the building  
2 designated in the license, provided the firearm is being donated  
3 for the purpose of sale or transfer at an auction or similar event  
4 specified in subdivision (g) of Section 12078.

5 (D) The firearm may be delivered to the purchaser, transferee,  
6 or person being loaned the firearm at one of the following places:

7 (i) The building designated in the license.

8 (ii) The places specified in subparagraph (B) or (C).

9 (iii) The place of residence of, the fixed place of business of,  
10 or on private property owned or lawfully possessed by, the  
11 purchaser, transferee, or person being loaned the firearm.

12 (2) The license or a copy thereof, certified by the issuing  
13 authority, shall be displayed on the premises where it can easily  
14 be seen.

15 (3) No firearm shall be delivered:

16 (A) Within 10 days of the application to purchase, or, after  
17 notice by the department pursuant to subdivision (d) of Section  
18 12076, within 10 days of the submission to the department of any  
19 correction to the application, or within 10 days of the submission  
20 to the department of any fee required pursuant to subdivision (e)  
21 of Section 12076, whichever is later.

22 (B) Unless unloaded and securely wrapped or unloaded and in  
23 a locked container.

24 (C) Unless the purchaser, transferee, or person being loaned the  
25 firearm presents clear evidence of his or her identity and age to  
26 the dealer.

27 (D) Whenever the dealer is notified by the Department of Justice  
28 that the person is prohibited by state or federal law from processing,  
29 owning, purchasing, or receiving a firearm. The dealer shall make  
30 available to the person in the prohibited class a prohibited notice  
31 and transfer form, provided by the department, stating that the  
32 person is prohibited from owning or possessing a firearm, and that  
33 the person may obtain from the department the reason for the  
34 prohibition.

35 (4) No pistol, revolver, or other firearm or imitation thereof  
36 capable of being concealed upon the person, or placard advertising  
37 the sale or other transfer thereof, shall be displayed in any part of  
38 the premises where it can readily be seen from the outside.

1 (5) The licensee shall agree to and shall act properly and  
2 promptly in processing firearms transactions pursuant to Section  
3 12082.

4 (6) The licensee shall comply with Sections 12073, 12076, and  
5 12077, subdivisions (a) and (b) and paragraph (1) of subdivision  
6 (f) of Section 12072, and subdivision (a) of Section 12316.

7 (7) The licensee shall post conspicuously within the licensed  
8 premises the following warnings in block letters not less than one  
9 inch in height:

10  
11 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY  
12 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
13 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND  
14 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES  
15 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A  
16 MISDEMEANOR OR A FELONY UNLESS YOU STORED  
17 THE FIREARM IN A LOCKED CONTAINER OR LOCKED  
18 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT  
19 FROM TEMPORARILY FUNCTIONING."

20 (B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER  
21 FIREARM CAPABLE OF BEING CONCEALED UPON THE  
22 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY  
23 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE  
24 GAINS ACCESS TO THE FIREARM, AND CARRIES IT  
25 OFF-PREMISES, YOU MAY BE GUILTY OF A  
26 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN  
27 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH  
28 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY  
29 FUNCTIONING."

30 (C) "IF YOU KEEP ANY FIREARM WITHIN ANY  
31 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
32 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO  
33 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A  
34 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE  
35 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
36 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU  
37 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
38 LOCKED THE FIREARM WITH A LOCKING DEVICE."

39 (D) "DISCHARGING FIREARMS IN POORLY  
40 VENTILATED AREAS, CLEANING FIREARMS, OR

1 HANDLING AMMUNITION MAY RESULT IN EXPOSURE  
2 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH  
3 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS  
4 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT  
5 ALL TIMES. WASH HANDS THOROUGHLY AFTER  
6 EXPOSURE.”

7 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
8 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM  
9 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30  
10 DAYS AFTER YOU COMPLETE THE INITIAL  
11 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
12 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
13 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
14 POSSESSION OF THAT FIREARM.”

15 (F) “NO PERSON SHALL MAKE AN APPLICATION TO  
16 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR  
17 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON  
18 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO  
19 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS  
20 MADE AN APPLICATION TO PURCHASE MORE THAN ONE  
21 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF  
22 BEING CONCEALED UPON THE PERSON WITHIN ANY  
23 30-DAY PERIOD.”

24  
25 (8) (A) Commencing April 1, 1994, and until January 1, 2003,  
26 no pistol, revolver, or other firearm capable of being concealed  
27 upon the person shall be delivered unless the purchaser, transferee,  
28 or person being loaned the firearm presents to the dealer a basic  
29 firearms safety certificate.

30 (B) Commencing January 1, 2003, no dealer may deliver a  
31 handgun unless the person receiving the handgun presents to the  
32 dealer a valid handgun safety certificate. The firearms dealer shall  
33 retain a photocopy of the handgun safety certificate as proof of  
34 compliance with this requirement.

35 (C) Commencing January 1, 2003, no handgun may be delivered  
36 unless the purchaser, transferee, or person being loaned the firearm  
37 presents documentation indicating that he or she is a California  
38 resident. Satisfactory documentation shall include a utility bill  
39 from within the last three months, a residential lease, a property  
40 deed, or military permanent duty station orders indicating

1 assignment within this state, or other evidence of residency as  
2 permitted by the Department of Justice. The firearms dealer shall  
3 retain a photocopy of the documentation as proof of compliance  
4 with this requirement.

5 (D) Commencing January 1, 2003, except as authorized by the  
6 department, no firearms dealer may deliver a handgun unless the  
7 recipient performs a safe handling demonstration with that  
8 handgun. The demonstration shall commence with the handgun  
9 unloaded and locked with the firearm safety device with which it  
10 is required to be delivered, if applicable. While maintaining muzzle  
11 awareness, that is, the firearm is pointed in a safe direction,  
12 preferably down at the ground, and trigger discipline, that is, the  
13 trigger finger is outside of the trigger guard and along side of the  
14 handgun frame, at all times, the handgun recipient shall correctly  
15 and safely perform the following:

16 (i) If the handgun is a semiautomatic pistol:

17 (I) Remove the magazine.

18 (II) Lock the slide back. If the model of firearm does not allow  
19 the slide to be locked back, pull the slide back, visually and  
20 physically check the chamber to ensure that it is clear.

21 (III) Visually and physically inspect the chamber, to ensure that  
22 the handgun is unloaded.

23 (IV) Remove the firearm safety device, if applicable. If the  
24 firearm safety device prevents any of the previous steps, remove  
25 the firearm safety device during the appropriate step.

26 (V) Load one bright orange, red, or other readily identifiable  
27 dummy round into the magazine. If no readily identifiable dummy  
28 round is available, an empty cartridge casing with an empty primer  
29 pocket may be used.

30 (VI) Insert the magazine into the magazine well of the firearm.

31 (VII) Manipulate the slide release or pull back and release the  
32 slide.

33 (VIII) Remove the magazine.

34 (IX) Visually inspect the chamber to reveal that a round can be  
35 chambered with the magazine removed.

36 (X) Lock the slide back to eject the bright orange, red, or other  
37 readily identifiable dummy round. If the handgun is of a model  
38 that does not allow the slide to be locked back, pull the slide back  
39 and physically check the chamber to ensure that the chamber is

1 clear. If no readily identifiable dummy round is available, an empty  
2 cartridge casing with an empty primer pocket may be used.

3 (XI) Apply the safety, if applicable.

4 (XII) Apply the firearm safety device, if applicable. This  
5 requirement shall not apply to an Olympic competition pistol if  
6 no firearms safety device, other than a cable lock that the  
7 department has determined would damage the barrel of the pistol,  
8 has been approved for the pistol, and the pistol is either listed in  
9 paragraph (2) of subdivision (h) of Section 12132 or is subject to  
10 paragraph (3) of subdivision (h) of Section 12132.

11 (ii) If the handgun is a double-action revolver:

12 (I) Open the cylinder.

13 (II) Visually and physically inspect each chamber, to ensure  
14 that the revolver is unloaded.

15 (III) Remove the firearm safety device. If the firearm safety  
16 device prevents any of the previous steps, remove the firearm  
17 safety device during the appropriate step.

18 (IV) While maintaining muzzle awareness and trigger discipline,  
19 load one bright orange, red, or other readily identifiable dummy  
20 round into a chamber of the cylinder and rotate the cylinder so that  
21 the round is in the next-to-fire position. If no readily identifiable  
22 dummy round is available, an empty cartridge casing with an empty  
23 primer pocket may be used.

24 (V) Close the cylinder.

25 (VI) Open the cylinder and eject the round.

26 (VII) Visually and physically inspect each chamber to ensure  
27 that the revolver is unloaded.

28 (VIII) Apply the firearm safety device, if applicable. This  
29 requirement shall not apply to an Olympic competition pistol if  
30 no firearms safety device, other than a cable lock that the  
31 department has determined would damage the barrel of the pistol,  
32 has been approved for the pistol, and the pistol is either listed in  
33 paragraph (2) of subdivision (h) of Section 12132 or is subject to  
34 paragraph (3) of subdivision (h) of Section 12132.

35 (iii) If the handgun is a single-action revolver:

36 (I) Open the loading gate.

37 (II) Visually and physically inspect each chamber, to ensure  
38 that the revolver is unloaded.

39 (III) Remove the firearm safety device required to be sold with  
40 the handgun. If the firearm safety device prevents any of the



1 previous steps, remove the firearm safety device during the  
2 appropriate step.

3 (IV) Load one bright orange, red, or other readily identifiable  
4 dummy round into a chamber of the cylinder, close the loading  
5 gate and rotate the cylinder so that the round is in the next-to-fire  
6 position. If no readily identifiable dummy round is available, an  
7 empty cartridge casing with an empty primer pocket may be used.

8 (V) Open the loading gate and unload the revolver.

9 (VI) Visually and physically inspect each chamber to ensure  
10 that the revolver is unloaded.

11 (VII) Apply the firearm safety device, if applicable. This  
12 requirement shall not apply to an Olympic competition pistol if  
13 no firearms safety device, other than a cable lock that the  
14 department has determined would damage the barrel of the pistol,  
15 has been approved for the pistol, and the pistol is either listed in  
16 paragraph (2) of subdivision (h) of Section 12132 or is subject to  
17 paragraph (3) of subdivision (h) of Section 12132.

18 (E) The recipient shall receive instruction regarding how to  
19 render that handgun safe in the event of a jam.

20 (F) The firearms dealer shall sign and date an affidavit stating  
21 that the requirements of subparagraph (D) have been met. The  
22 firearms dealer shall additionally obtain the signature of the  
23 handgun purchaser on the same affidavit. The firearms dealer shall  
24 retain the original affidavit as proof of compliance with this  
25 requirement.

26 (G) The recipient shall perform the safe handling demonstration  
27 for a department-certified instructor.

28 (H) No demonstration shall be required if the dealer is returning  
29 the handgun to the owner of the handgun.

30 (I) Department-certified instructors who may administer the  
31 safe handling demonstration shall meet the requirements set forth  
32 in subdivision (j) of Section 12804.

33 (J) The persons who are exempt from the requirements of  
34 subdivision (b) of Section 12801, pursuant to Section 12807, are  
35 also exempt from performing the safe handling demonstration.

36 (9) Commencing July 1, 1992, the licensee shall offer to provide  
37 the purchaser or transferee of a firearm, or person being loaned a  
38 firearm, with a copy of the pamphlet described in Section 12080  
39 and may add the cost of the pamphlet, if any, to the sales price of  
40 the firearm.

1 (10) The licensee shall not commit an act of collusion as defined  
2 in Section 12072.

3 (11) The licensee shall post conspicuously within the licensed  
4 premises a detailed list of each of the following:

5 (A) All charges required by governmental agencies for  
6 processing firearm transfers required by Sections 12076; *and*  
7 12082; ~~and 12806.~~

8 (B) All fees that the licensee charges pursuant to ~~Sections~~  
9 *Section* 12082 ~~and 12806.~~

10 (12) The licensee shall not misstate the amount of fees charged  
11 by a governmental agency pursuant to Sections 12076; *and* 12082;  
12 ~~and 12806.~~

13 (13) Except as provided in subparagraphs (B) and (C) of  
14 paragraph (1) of subdivision (b), all firearms that are in the  
15 inventory of the licensee shall be kept within the licensed location.  
16 The licensee shall report the loss or theft of any firearm that is  
17 merchandise of the licensee, any firearm that the licensee takes  
18 possession of pursuant to Section 12082, or any firearm kept at  
19 the licensee's place of business within 48 hours of discovery to  
20 the appropriate law enforcement agency in the city, county, or city  
21 and county where the licensee's business premises are located.

22 (14) Except as provided in subparagraphs (B) and (C) of  
23 paragraph (1) of subdivision (b), any time when the licensee is not  
24 open for business, all inventory firearms shall be stored in the  
25 licensed location. All firearms shall be secured using one of the  
26 following methods as to each particular firearm:

27 (A) Store the firearm in a secure facility that is a part of, or that  
28 constitutes, the licensee's business premises.

29 (B) Secure the firearm with a hardened steel rod or cable of at  
30 least one-eighth inch in diameter through the trigger guard of the  
31 firearm. The steel rod or cable shall be secured with a hardened  
32 steel lock that has a shackle. The lock and shackle shall be  
33 protected or shielded from the use of a boltcutter and the rod or  
34 cable shall be anchored in a manner that prevents the removal of  
35 the firearm from the premises.

36 (C) Store the firearm in a locked fireproof safe or vault in the  
37 licensee's business premises.

38 (15) The licensing authority in an unincorporated area of a  
39 county or within a city may impose security requirements that are

1 more strict or are at a higher standard than those specified in  
2 paragraph (14).

3 (16) Commencing January 1, 1994, the licensee shall, upon the  
4 issuance or renewal of a license, submit a copy of the same to the  
5 Department of Justice.

6 (17) The licensee shall maintain and make available for  
7 inspection during business hours to any peace officer, authorized  
8 local law enforcement employee, or Department of Justice  
9 employee designated by the Attorney General, upon the  
10 presentation of proper identification, a firearms transaction record.

11 (18) (A) On the date of receipt, the licensee shall report to the  
12 Department of Justice in a format prescribed by the department  
13 the acquisition by the licensee of the ownership of a pistol,  
14 revolver, or other firearm capable of being concealed upon the  
15 person.

16 (B) The provisions of this paragraph shall not apply to any of  
17 the following transactions:

18 (i) A transaction subject to the provisions of subdivision (n) of  
19 Section 12078.

20 (ii) The dealer acquired the firearm from a wholesaler.

21 (iii) The dealer acquired the firearm from a person who is  
22 licensed as a manufacturer or importer to engage in those activities  
23 pursuant to Chapter 44 (commencing with Section 921) of Title  
24 18 of the United States Code and any regulations issued pursuant  
25 thereto.

26 (iv) The dealer acquired the firearm from a person who resides  
27 outside this state who is licensed pursuant to Chapter 44  
28 (commencing with Section 921) of Title 18 of the United States  
29 Code and any regulations issued pursuant thereto.

30 (v) Until July 1, 2010, the dealer is also licensed as a secondhand  
31 dealer pursuant to Article 4 (commencing with Section 21625) of  
32 Chapter 9 of Division 8 of the Business and Professions Code,  
33 acquires a handgun, and reports its acquisition pursuant to Section  
34 21628 of the Business and Professions Code.

35 (vi) Commencing July 1, 2010, the dealer is also licensed as a  
36 secondhand dealer pursuant to Article 4 (commencing with Section  
37 21625) of Chapter 9 of Division 8 of the Business and Professions  
38 Code, acquires a handgun, and reports its acquisition pursuant to  
39 Section 21628.2 of the Business and Professions Code.

1 (19) The licensee shall forward in a format prescribed by the  
2 Department of Justice, information as required by the department  
3 on any firearm that is not delivered within the time period set forth  
4 in Section 478.102 (c) of Title 27 of the Code of Federal  
5 Regulations.

6 (20) (A) Firearms dealers may require any agent who handles,  
7 sells, or delivers firearms to obtain and provide to the dealer a  
8 certificate of eligibility from the department pursuant to paragraph  
9 (4) of subdivision (a). The agent or employee shall provide on the  
10 application, the name and California firearms dealer number of  
11 the firearms dealer with whom he or she is employed.

12 (B) The department shall notify the firearms dealer in the event  
13 that the agent or employee who has a certificate of eligibility is or  
14 becomes prohibited from possessing firearms.

15 (C) If the local jurisdiction requires a background check of the  
16 agents or employees of the firearms dealer, the agent or employee  
17 shall obtain a certificate of eligibility pursuant to subparagraph  
18 (A).

19 (D) Nothing in this paragraph shall be construed to preclude a  
20 local jurisdiction from conducting an additional background check  
21 pursuant to Section 11105 or prohibiting employment based on  
22 criminal history that does not appear as part of obtaining a  
23 certificate of eligibility, provided however, that the local  
24 jurisdiction may not charge a fee for the additional criminal history  
25 check.

26 (E) The licensee shall prohibit any agent who the licensee knows  
27 or reasonably should know is within a class of persons prohibited  
28 from possessing firearms pursuant to Section 12021 or 12021.1  
29 of this code, or Section 8100 or 8103 of the Welfare and  
30 Institutions Code, from coming into contact with any firearm that  
31 is not secured and from accessing any key, combination, code, or  
32 other means to open any of the locking devices described in clause  
33 (ii) of subparagraph (G) of this paragraph.

34 (F) Nothing in this paragraph shall be construed as preventing  
35 a local government from enacting an ordinance imposing additional  
36 conditions on licensees with regard to agents.

37 (G) For purposes of this section, the following definitions shall  
38 apply:

39 (i) An “agent” is an employee of the licensee.

(ii) “Secured” means a firearm that is made inoperable in one or more of the following ways:

(I) The firearm is inoperable because it is secured by a firearms safety device listed on the department’s roster of approved firearms safety devices pursuant to subdivision (d) of Section 12088 of this chapter.

(II) The firearm is stored in a locked gun safe or long-gun safe which meets the standards for department-approved gun safes set forth in Section 12088.2.

(III) The firearm is stored in a distinct locked room or area in the building that is used to store firearms that can only be unlocked by a key, a combination, or similar means.

(IV) The firearm is secured with a hardened steel rod or cable that is at least one-eighth of an inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a boltcutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

*(21) The licensee shall, at the time a firearm is delivered to the purchaser, provide to every handgun purchaser who is exempted from possessing a handgun safety certificate pursuant to Section 12807, a copy of the instruction manual on handgun safety, published by the Department of Justice pursuant to subdivision (a) of Section 12804.*

(c) (1) As used in this article, “clear evidence of his or her identity and age” means either of the following:

(A) A valid California driver’s license.

(B) A valid California identification card issued by the Department of Motor Vehicles.

(2) As used in this section, a “secure facility” means a building that meets all of the following specifications:

(A) All perimeter doorways shall meet one of the following:

(i) A windowless steel security door equipped with both a dead bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least ½-inch diameter or metal grating of at least 9 gauge affixed to the exterior or interior of the door.

1 (iii) A metal grate that is padlocked and affixed to the licensee's  
2 premises independent of the door and doorframe.

3 (B) All windows are covered with steel bars.

4 (C) Heating, ventilating, air-conditioning, and service openings  
5 are secured with steel bars, metal grating, or an alarm system.

6 (D) Any metal grates have spaces no larger than six inches wide  
7 measured in any direction.

8 (E) Any metal screens have spaces no larger than three inches  
9 wide measured in any direction.

10 (F) All steel bars shall be no further than six inches apart.

11 (3) As used in this section, "licensed premises," "licensed place  
12 of business," "licensee's place of business," or "licensee's business  
13 premises" means the building designated in the license.

14 (4) For purposes of paragraph (17) of subdivision (b):

15 (A) A "firearms transaction record" is a record containing the  
16 same information referred to in subdivision (a) of Section 478.124,  
17 Section 478.124a, and subdivision (e) of Section 478.125 of Title  
18 27 of the Code of Federal Regulations.

19 (B) A licensee shall be in compliance with the provisions of  
20 paragraph (17) of subdivision (b) if he or she maintains and makes  
21 available for inspection during business hours to any peace officer,  
22 authorized local law enforcement employee, or Department of  
23 Justice employee designated by the Attorney General, upon the  
24 presentation of proper identification, the bound book containing  
25 the same information referred to in Section 478.124a and  
26 subdivision (e) of Section 478.125 of Title 27 of the Code of  
27 Federal Regulations and the records referred to in subdivision (a)  
28 of Section 478.124 of Title 27 of the Code of Federal Regulations.

29 (d) Upon written request from a licensee, the licensing authority  
30 may grant an exemption from compliance with the requirements  
31 of paragraph (14) of subdivision (b) if the licensee is unable to  
32 comply with those requirements because of local ordinances,  
33 covenants, lease conditions, or similar circumstances not under  
34 the control of the licensee.

35 (e) (1) Except as otherwise provided in this paragraph, the  
36 Department of Justice shall keep a centralized list of all persons  
37 licensed pursuant to subparagraphs (A) to (E), inclusive, of  
38 paragraph (1) of subdivision (a). The department may remove from  
39 this list any person who knowingly or with gross negligence  
40 violates this article. Upon removal of a dealer from this list,

1 notification shall be provided to local law enforcement and  
2 licensing authorities in the jurisdiction where the dealer's business  
3 is located.

4 (2) The department shall remove from the centralized list any  
5 person whose federal firearms license has expired or has been  
6 revoked.

7 (3) Information compiled from the list shall be made available,  
8 upon request, for the following purposes only:

9 (A) For law enforcement purposes.

10 (B) When the information is requested by a person licensed  
11 pursuant to Chapter 44 (commencing with Section 921) of Title  
12 18 of the United States Code for determining the validity of the  
13 license for firearm shipments.

14 (C) When information is requested by a person promoting,  
15 sponsoring, operating, or otherwise organizing a show or event as  
16 defined in Section 478.100 of Title 27 of the Code of Federal  
17 Regulations, or its successor, who possesses a valid certificate of  
18 eligibility issued pursuant to Section 12071.1, if that information  
19 is requested by the person to determine the eligibility of a  
20 prospective participant in a gun show or event to conduct  
21 transactions as a firearms dealer pursuant to subparagraph (B) of  
22 paragraph (1) of subdivision (b).

23 (4) Information provided pursuant to paragraph (3) shall be  
24 limited to information necessary to corroborate an individual's  
25 current license status as being one of the following:

26 (A) A person licensed pursuant to subparagraphs (A) to (E),  
27 inclusive, of paragraph (1) of subdivision (a).

28 (B) A person licensed pursuant to Chapter 44 (commencing  
29 with Section 921) of Title 18 of the United States Code and who  
30 is not subject to the requirement that he or she be licensed pursuant  
31 to subparagraphs (A) to (E), inclusive, of paragraph (1) of  
32 subdivision (a).

33 (f) The Department of Justice may inspect dealers to ensure  
34 compliance with this article. The department may assess an annual  
35 fee, not to exceed one hundred fifteen dollars (\$115), to cover the  
36 reasonable cost of maintaining the list described in subdivision  
37 (e), including the cost of inspections. Dealers whose place of  
38 business is in a jurisdiction that has adopted an inspection program  
39 to ensure compliance with firearms law shall be exempt from that  
40 portion of the department's fee that relates to the cost of

1 inspections. The applicant is responsible for providing evidence  
2 to the department that the jurisdiction in which the business is  
3 located has the inspection program.

4 (g) The Department of Justice shall maintain and make available  
5 upon request information concerning the number of inspections  
6 conducted and the amount of fees collected pursuant to subdivision  
7 (f), a listing of exempted jurisdictions, as defined in subdivision  
8 (f), the number of dealers removed from the centralized list defined  
9 in subdivision (e), and the number of dealers found to have violated  
10 this article with knowledge or gross negligence.

11 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to  
12 a licensee organized as a nonprofit public benefit or mutual benefit  
13 corporation organized pursuant to Part 2 (commencing with Section  
14 5110) or Part 3 (commencing with Section 7110) of Division 2 of  
15 the Corporations Code, if both of the following conditions are  
16 satisfied:

17 (1) The nonprofit public benefit or mutual benefit corporation  
18 obtained the dealer's license solely and exclusively to assist that  
19 corporation or local chapters of that corporation in conducting  
20 auctions or similar events at which firearms are auctioned off to  
21 fund the activities of that corporation or the local chapters of the  
22 corporation.

23 (2) The firearms are not pistols, revolvers, or other firearms  
24 capable of being concealed upon the person.

25 SEC. 2. Section 12807 of the Penal Code is amended to read:

26 12807. (a) The following persons, properly identified, are  
27 exempted from the handgun safety certificate requirement in  
28 subdivision (b) of Section 12801:

29 (1) Any active or honorably retired peace officer, as defined  
30 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
31 2.

32 (2) Any active or honorably retired federal officer or law  
33 enforcement agent.

34 (3) Any reserve peace officer, as defined in Section 832.6.

35 (4) Any person who has successfully completed the course of  
36 training specified in Section 832.

37 (5) A firearms dealer licensed pursuant to Section 12071, who  
38 is acting in the course and scope of his or her activities as a person  
39 licensed pursuant to Section 12071.



1 (6) A federally licensed collector who is acquiring or being  
2 loaned a handgun that is a curio or relic, as defined in Section  
3 478.11 of Title 27 of the Code of Federal Regulations, who has a  
4 current certificate of eligibility issued to him or her by the  
5 department pursuant to Section 12071.

6 (7) A person to whom a handgun is being returned, where the  
7 person receiving the firearm is the owner of the firearm.

8 (8) A family member of a peace officer or deputy sheriff from  
9 a local agency who receives a firearm pursuant to Section 50081  
10 of the Government Code.

11 (9) Any individual who has a valid concealed weapons permit  
12 issued pursuant to Section 12050.

13 (10) An active, or honorably ~~retired~~ *discharged* member of the  
14 United States Armed Forces, the National Guard, the Air National  
15 Guard, the active reserve components of the United States, where  
16 individuals in those organizations are properly identified. For  
17 purposes of this section, proper identification includes the Armed  
18 Forces Identification Card, or other written documentation  
19 certifying that the individual is an active or honorably ~~retired~~  
20 *discharged* member.

21 (11) Any person who is authorized to carry loaded firearms  
22 pursuant to subdivision (c) or (d) of Section 12031.

23 (12) Persons who are the holders of a special weapons permit  
24 issued by the department pursuant to Section 12095, 12230, 12250,  
25 or 12305.

26 (b) The following persons who take title or possession of a  
27 handgun by operation of law in a representative capacity, until or  
28 unless they transfer title ownership of the handgun to themselves  
29 in a personal capacity, are exempted from the handgun safety  
30 certificate requirement in subdivision (b) of Section 12801:

31 (1) The executor or administrator of an estate.

32 (2) A secured creditor or an agent or employee thereof when  
33 the firearms are possessed as collateral for, or as a result of, or an  
34 agent or employee thereof when the firearms are possessed as  
35 collateral for, or as a result of, a default under a security agreement  
36 under the Commercial Code.

37 (3) A levying officer, as defined in Section 481.140, 511.060,  
38 or 680.260 of the Code of Civil Procedure.

39 (4) A receiver performing his or her functions as a receiver.

40 (5) A trustee in bankruptcy performing his or her duties.

- 1     (6) An assignee for the benefit of creditors performing his or
- 2     her functions as an assignee.

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